IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3676/2007

Govardhan Rabhunathaji Patil

...Versus...

Gram Panchayat, Karanja Ghadge through Village Development Officer, Tahsil - Karanja, District : Wardha and another

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Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

(Shri M.R. Rajgure, Adv. for petitioner)

CORAM :- A.B. Chaudhari, J.
DATED :- 31**.10.2007**

Heard learned Counsel for the petitioner.

The learned Counsel for the petitioner argued that the petitioner is aggrieved by order made by the Labour Court and confirmed by the Industrial Court, refusing back wages though an order of reinstatement has been made. According to the learned Counsel for the petitioner there is a refusal of back wages on the ground that petitioner runs a general store. But the learned Counsel for the petitioner submits that it is run by his wife and he has nothing to do with the said store and further the respondents/employer did not prove that the petitioner was gainfully employed and, hence, there ought to have award of back wages.

Having considered submissions made by learned Counsel for the petitioner, it is clear that the petitioner as well as his family members have been running the general store and the income from the said general store is appropriated by them. Not only that it appears that the petitioner did not plead and prove that he was not gainfully employed. In the light of the ratio in the case of ***J.K. Synthetics Ltd....Versus...K.P. Agrawal and another***, reported in ***2007 (2) Supreme Court Cases 433***, the orders impugned will have to be confirmed.

In view of this, there is no substance in the writ petition. The same is, therefore, dismissed. No order as to costs.

JUDGE

ssw